

RANDAZZA

LEGAL GROUP

Jay Marshall Wolman, JD
Licensed in CT, MA, NY, DC

25 August 2017

Via CM/ECF

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Krechmer v. Tantaros | 1:16-cv-07820-KBF

Dear Judge Forrest:

Pursuant to your Honor's Order of August 9, 2017 (Dkt. No. 46) and subsequent related orders (Dkt. Nos. 47 & 49), the docket and filings in this case were unsealed, subject to minimal redaction. The Clerk's unsealing process appears to have ended on August 22, 2017.

Upon review of the as-published docket and filings, it appears there are a few outstanding documents that are not published.

First, Dkt. No. 1, identified as the Sealing Order, and Dkt. No. 2 have not been unsealed. A copy of the Sealing Order does appear at Dkt. No. 98-1. We are not positive what Dkt. No. 2 is, but we presume it is the Complaint and *Ex Parte* Application to File Under Seal.¹ A copy of the Complaint appears, with redaction at Paragraph 40, at Dkt. No. 98-2. It is our assumption that these have not been unsealed because the original files are in the White Plains Courthouse, where the case was opened.

Second, there are four docket entries referencing documents the Court possesses in electronic format, but were not published on the docket during the Clerk's upload process.

- Dkt. No. 77: Nov. 21, 2016 Declaration of Andrea Tantaros and Exhibits thereto [docket notes a CD ROM on file that does not appear to have been uploaded]
- Dkt. No. 83: Exhibits to Nov. 21, 2016 Declaration of Judd Burstein [docket notes a CD ROM on file that does not appear to have been uploaded]
- Dkt. No. 96: Exhibits to July 11, 2017 Letter from Judd Burstein [docket notes a CD ROM on file that does not appear to have been uploaded.]

¹ Although not yet unsealed, its existence is a matter of public record. See Dkt. No. 86 at p. 6 & Dkt. No. 98-1.

Dkt. No. 97: July 11, 2017 Amended Letter from Judd Burstein and Exhibits thereto [docket notes a missing PDF, a copy of which was e-mailed to Chambers that day]

Third, there are two letters that were e-mailed to Chambers, but, for unknown reasons, were not among the sealed files reviewed by counsel on August 11 nor uploaded by the Clerk to the docket:

- a) July 5, 2017 Letter from Linda Goldstein. A copy of this letter, without its own attachments, is Exhibit B to Dkt. No. 96, but, as noted above, the exhibits to Dkt. No. 96 were not published by the Clerk.
- b) October 11, 2016 Letter from Jay Wolman.

It is our presumption that the first and second issues will be resolved by the Clerk and that all of the documents will be published, but we wanted to ensure the absence of these documents from the public record was brought to the Court's attention. Although all of the items in the second issue were filings from Defendant, who might ordinarily simply refile them, these appear to require docket modifications beyond the scope of ordinary CM/ECF access. We should note that the Complaint, which we assume is sealed at Dkt. No. 2, will require redaction at paragraph 40, as the Court already did for Dkt. No. 98-2.

As to the third issue, the two missing letters, we are filing a redacted version of the October 11, 2016 letter herewith as Exhibit "A". The letter has been redacted consistent with the Order at Dkt. No. 47.² We are copying Attorney Goldstein on this letter so that she is aware of the issue involving her letter, as she is best suited to resolve that issue.

Thank you for your attention to this matter.

Sincerely,



Jay Marshall Wolman

cc: Counsel of Record (via CM/ECF)
Linda Goldstein, Esq.

² It is modeled after the redactions by the Court at Dkt. No. 107 and the exhibits thereto.